

REMARKS

In the Office Action dated November 20, 2006, the disclosure was objected to due to informalities. In response, Applicant has amended the specification to reflect the headings suggested by the Examiner.

The Examiner has rejected claims 1-3 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. In response, Applicant has amended the title, and all other instances of the term “Meccano” to that of “construction set”, to more clearly reflect the subject matter of the current invention.

Claims 1-2 have been rejected under 35 U.S.C. §102(b) as being anticipated by Wengel (U.S. Pat. No.3,827,177, hereinafter “Wengel”).

The Examiner indicates that the Wengel patent anticipates the claimed construction set. However, the claimed technical result that can be achieved in implementing the invention lies in creation of a game environment requiring foreseeing of a non-obvious result of subsequent several couplings and conscious selection for this purpose of an aggregate of appropriate formative parts and connective elements. That is selection of the aggregate of the elements is

determined by the possibility of mutual attachment of the formative elements and connective elements at different angles.

Having reviewed the Wengel patent, the Applicant has not found any information that the constructively connected elements are made in such a manner that fixed angles of mutual position of connected formative parts may be different and not only multiples of the angle of 45° and no other variants can be performed, while the connective elements of the claimed invention provide multi-variant connections, e.g. at angles equal to $90 \pm 10^\circ$, or $101 \pm 10^\circ$, or $112 \pm 10^\circ$, or $120 \pm 10^\circ$, or $131 \pm 10^\circ$, or $136 \pm 10^\circ$, or $139 \pm 10^\circ$, or $150 \pm 10^\circ$ or $180 \pm 10^\circ$. It should be noted that the angles can vary within the limits of the indicated play of $\pm 10^\circ$. Precisely this play enables to freely change (replace) selection of formative elements while not violating integrity of the already assembled construction.

In the case when the user wishes to replace one formative element with another one (if they were mistaken in selecting the element shape), this is readily done, as it is possible to change the angle of the connective element and the formative element is easily replaced. Additionally, the formative elements according to the claimed solution can be formed as polygons having more than

four angles, i.e. hexagons as well as equilateral trapeziums, whereas the patent cited by the Examiner also fails to disclose such possibilities.

The construction made from formative and connective elements in the claimed solution is a single whole without any spaces (or gaps) between elements. Such a construction (without any spaces) is provided due to the fact that the formative parts are made with edge recesses, and it is especially noted that the edge recesses have some take-out of the edge surface of the base of the edge recess as indicated in all figures illustrating the claimed invention.

These take-outs allow to place in them connective elements in such a manner that when the formative elements are attached to each other through the connective elements, the latter are received by said take-outs and the formative elements fit to each other. Exhibit A is attached as a document clarifying this construction from which it is apparent how two formative parts can fit to each other via a formative element.

In the Wengel patent, formative parts and connective elements cannot provide their mutual connection without spaces or gaps therebetween, which, in addition to the foregoing, restricts the conscious selection of the aggregate of appropriate formative parts and connective elements, i.e. thus implementing the

Serial No.: 10/811,139
Atty Docket No.: P69627US0

construction set according to the Wengel patent does not result in the same technical result, which is claimed for the present invention.

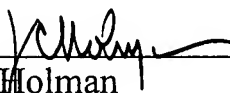
Filed separately herewith is Credit Card Payment Form PTO-2038 in the amount of \$510.00 for a three-month Petition for Extension of Time (also filed separately herewith). If the amount is in error, the Patent and Trademark Office is authorized to debit or credit, as appropriate, Deposit Account No. 06-1358.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

Serial No.: 10/811,139
Atty Docket No.: P69627US0

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,
JACOBSON HOLMAN PLLC

By: 
John C. Holman
Reg. No. 22,769

Customer No.: 00136
400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666

Date: May 21, 2007
JLS/kad